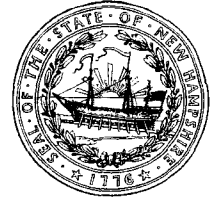




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 25, 2006

Mr. Peter M. Bonnette
President
P. M. MacKay & Sons, Inc.
5 Pine Street Extension
#6 Mill Annex
Nashua, New Hampshire 03060

**CERTIFIED MAIL (7005 1160 0004 7467 7298)
RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION
(Asb.)**

RE: Improper Asbestos Removal at 41 Epping Rd., Raymond, NH

Dear Mr. Bonnette:

In response to a telephone call from Richard Mailhot, Raymond Code Enforcement Officer, the New Hampshire Department of Environmental Services ("DES") inspected a renovation project at 41 Epping Road in Raymond, New Hampshire ("the Property") on April 10, 2006. Mr. Mailhot stated that P. M. MacKay & Sons, Inc. ("MacKay") had applied for a building permit to repair the damage done by a fire in the basement of the single family home on the Property. Mr. Mailhot did not issue a building/demolition permit, stating that he requested a scope of work and did not receive one. Mr. Mailhot then inspected the Property during the week of April 3, 2006, and discovered workers gutting parts of the home. When he observed that asbestos-wrapped heating pipes had been uncovered, Mr. Mailhot stopped the work and called DES.

On April 10, 2006, the DES inspector met with Mr. Mailhot and Mr. Steve Mroz of MacKay at the Property and noted very little damage to the heating pipes, but saw that the MacKay workers had removed wall and ceiling plaster from several rooms on the first floor. The inspector took samples of the plaster and instructed Mr. Mroz to conduct a complete asbestos survey of all the suspect materials to be removed. Mr. Mroz stated that Dunne's Asbestos Abatement had been contacted to remove the pipe insulation, and that MacKay would work with Dunne's on the survey, too. While plaster can often contain asbestos, the samples taken by the DES inspector on April 10, 2006, were negative for asbestos.


The purpose of this letter is to notify you of the violation discovered during the April 10, 2006 inspection, as well as the requirements surrounding asbestos abatement, so that you can prevent future violations. The specific violation is as follows:

1. Env-A 1804.01, *Inspections*, requires that, before undertaking any demolition or renovation, each property owner or operator shall provide for an inspection by a trained asbestos inspector of the affected portion(s) of the facility for the presence of asbestos-containing materials ("ACM"). No such inspection was performed before the start of the demolition/renovation project at the Property.

Since MacKay stopped work when requested, hired an asbestos abatement contractor to perform a survey and remove the asbestos pipe insulation, and the plaster tested negative for asbestos, DES believes that no further action is required at this time in response to the listed violation. You can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*, a copy of which is enclosed for future reference.

If you believe that DES has cited this violation in error or if you have any questions or require additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Ms. Barbara Hoffman, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-7874. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,


for Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

Enc.: Env-A 1800

cc: G. Hamel, DES Legal Unit Administrator
H. Pilgrim, EPA Region 1
R. Mailhot, Raymond Code Enforcement Officer
Richard C. Bates, Manager, Town of Raymond